

Longworth, Gregory N.

From: Michael Bartnik <michaelbartnik@protonmail.com>
Sent: Wednesday, September 11, 2024 4:05 PM
To: Longworth, Gregory N.
Cc: Bostice, Antoinette T.; Magy, Paul S.; Elizabeth Abdnour (liz@education-rights.com); Renee Stromski
Subject: RE: Babcock, et al. v State of Michigan, et al. - Defendant DWJBA's First Set of Discovery Requests to Plaintiffs Babcock and Maddox

[External Message]

Dear Paul and Gregory,

Thank you for the mutual extensions.

My team and our clients cannot be held responsible for what happened to your team from other attorneys in another case.

We are still in the middle of preparing our responses and if applicable, our good faith and lawful objections, which is one of the reasons we asked for the courtesy of an extension.

Like you, we will comply with the applicable rules and professional courtesies.

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On Wednesday, September 11th, 2024 at 2:39 PM, Longworth, Gregory N. <glongworth@clarkhill.com> wrote:

Yes, Oct. 4 for your answers is acceptable. And Sept. 27 for ours is, as well. As to the first condition, I appreciate the civility principles and agree with those principles. My concern is that I recently granted an discovery extension in another case only to get nothing but objections when I finally received the answers. (It strikes me that additional time isn't necessary if the party is simply going to object.) Of course, we, too, will lodge certain objections, but we don't anticipate withholding any documents based on those objections. FRCP 34(b)(2)(C) requires parties to state whether or not documents were withheld based on objections to a request. If you intend to withhold documents based on objections, we need to discuss that now before the extension is approved. Assuming we are in agreement on that point, I understand your response as accepting the second condition that, if you are able to respond earlier than the deadline, you will do so, and so will we.

Please confirm your agreement.

Gregory N. Longworth

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From: Michael Bartnik <michaelbartnik@protonmail.com>

Sent: Wednesday, September 11, 2024 3:03 PM

To: Longworth, Gregory N. <glongworth@clarkhill.com>

Cc: Bostice, Antoinette T. <abostice@clarkhill.com>; Magy, Paul S. <pmagy@clarkhill.com>; Elizabeth Abdnour (liz@education-rights.com) <liz@education-rights.com>; Renee Stromski <renee@awlawohio.com>

Subject: RE: Babcock, et al. v State of Michigan, et al. - Defendant DWJBA's First Set of Discovery Requests to Plaintiffs Babcock and Maddox

[External Message]

Gregory,

Thank you.

Yes, we can agree with all of the below, with two qualification:

Can we please have until Friday October 4, 2024 instead of October 2 or October 9?

Second, I don't want to be difficult, but I am not certain what you mean by "(1) we will get substantive responses and not objections devoid of substantive answers". I assume both of us will state certain objections, and I am also pretty certain both of us will continue to comply with the applicable Civility Principles, including the following from Administrative Order No. 08-AO-009:

United States District Court
Eastern District of Michigan

Civility Principles
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appropriate in the presence of a judge.

- 21) We will not obstruct questioning during a deposition or object to deposit questions unless appropriate under the applicable rules.
- 22) During depositions, we will ask only those questions we reasonably believe necessary for the prosecution or defense of an action.
- 23) We will carefully craft document production requests and/or interrogatories so they are limited to those documents we reasonably believe are necessary for prosecution or defense of an action. We will not design production requests to place an undue burden or expense on a party.
- 24) We will respond to document requests and interrogatories reasonably and will not strain to interpret the requests or interrogatories in an artificially restrictive manner to avoid disclosure of relevant and non-privileged documents and information falling within the scope of the requests or interrogatories. We will not produce documents or answer interrogatories in a manner designed to hide or obscure the existence of particular documents or information.
- 25) We will base our discovery objections on a good-faith belief in their merit and will not object solely for the purpose of withholding or delaying the disclosure of relevant information.

Please confirm your responses are due Friday September 27, 2024 and that ours are due Friday October 4, 2024.

Thank you.

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On Wednesday, September 11th, 2024 at 11:16 AM, Longworth, Gregory N.
<glongworth@clarkhill.com> wrote:

Good afternoon, Michael.

We are fine with an extension, subject to a few conditions, but we are concerned about the three-week extension that you have requested. Our reasoning is that we may want

to submit follow-up requests in response to Plaintiffs Babcock's and Maddox's answers, and don't want too much of a delay before getting responses to any follow-up requests. So, how about this? We will agree to a two-week extension (to Oct. 2) subject to three conditions: (1) we will get substantive responses and not objections devoid of substantive answers; (2) if you have the responses prepared earlier than Oct. 2, you will produce them at that time; and (3) you will give us a similar two-week extension (with the same conditions (1) and (2)) for our responses to Plaintiffs' discovery to DWJBA (admission and document requests). By our calculation, our responses are currently due on Sept. 13 so they would be due on Sept. 27 instead, though we anticipate serving our responses earlier than that.

Please confirm whether these terms are acceptable to Plaintiffs. Thanks.

Gregory N. Longworth

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From: Michael Bartnik <michaelbartnik@protonmail.com>

Sent: Wednesday, September 11, 2024 10:47 AM

To: Bostice, Antoinette T. <abostice@clarkhill.com>; Magy, Paul S.

<pmagy@clarkhill.com>; Longworth, Gregory N. <glongworth@clarkhill.com>

Cc: Elizabeth Abdnour (liz@education-rights.com) <liz@education-rights.com>; Renee Stromski <renee@awlawohio.com>

Subject: Re: Babcock, et al. v State of Michigan, et al. - Defendant DWJBA's First Set of Discovery Requests to Plaintiffs Babcock and Maddox

[External Message]

Dear Paul and Greg,

We are diligently working on your discovery requests as to Marguerite Maddox and as to Jill Babcock, currently due September 18, 2024, but we require additional time.

Will you please agree to give us an extension until Wednesday October 9, 2024 to respond to

DEFENDANT DETROIT-WAYNE JOINT BUILDING AUTHORITY'S FIRST SET OF DISCOVERY REQUESTS TO PLAINTIFF BABCOCK

and to DEFENDANT DETROIT-WAYNE JOINT BUILDING AUTHORITY'S FIRST SET OF DISCOVERY REQUESTS TO PLAINTIFF MADDOX served August 19, 2024?

Thank you.

Michael W. Bartnik

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On Monday, August 19th, 2024 at 1:42 PM, Bostice, Antoinette T.
<abostice@clarkhill.com> wrote:

Good Afternoon,

Attached please find Defendant Detroit-Wayne Joint Building Authority's First Set of Discovery Requests to Plaintiff Jill Babcock and Plaintiff Marguerite Maddox.

I have also attached these documents in Word format for your use.

Thank you and have a great day!

Antoinette Tyler

Legal Administrative Assistant

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